

PUBLIC CHAPTER NO. 459**HOUSE BILL NO. 99**

By Representatives Winningham, Harry Brooks, Eldridge, Coley, Montgomery, Overbey, Armstrong, Lois DeBerry, Hawk, McDaniel, Roach, Harrison, Williams, McCord, Vaughn, Lollar, Sontany, Odom, Ferguson, Dean, Favors, Baird, Casada, Dunn, Bone, Shaw, Fincher, Curtis Johnson, DuBois, Gresham, Hackworth, Briley, Brown, Hill, Bell, Cooper, Maddox, Pinion, Shepard, McManus, Lynn, McCormick, Crider, Lundberg, Pitts, Campfield, Tindell, Maggart, Hensley, Mike Turner, Litz, Rinks, Todd, Bibb, Yokley, Fraley, Hardaway, Miller, Hood, Windle, Bass, Matheny, Gilmore, Pruitt, Moore, Mumpower, Phillip Johnson, McDonald, Jim Cobb and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 620

By Senators Woodson, Bunch, Tate, Harper, Marrero, Ford

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, is amended by adding the following language as a new chapter:

§ 49-15-101.

(a) The purpose of this chapter is to authorize public postsecondary institutions and LEAs to jointly establish cooperative innovative programs in high schools and public postsecondary institutions, including, but not limited to universities, community colleges and technology centers, that will expand students' opportunities for educational success through high quality instructional programming. These cooperative innovative high school programs shall target:

(1) High school students who are at risk of dropping out of school before attaining a high school diploma; or

(2) High school students who would benefit from accelerated academic instruction.

(b) All cooperative innovative high school programs established under this chapter shall:

(1) Prepare students adequately for future learning in the workforce or in an institution of higher education;

(2) Expand students' educational opportunities within the public school system;

(3) Be centered on the core academic standards represented by the preparatory pathway as defined by the state board of education that will adequately prepare the student to enter postsecondary education or the workplace without academic remediation;

(4) Encourage the cooperative or shared use of resources, personnel, and facilities between public schools and postsecondary institutions;

(5) Integrate and emphasize both academic and technical skills necessary for students to be successful in a more demanding and changing workplace;

(6) Emphasize parental involvement and provide consistent counseling, advising, and parent conferencing at the secondary level so that parents and students can make responsible decisions regarding course taking and can track the students' academic progress and success;

(7) Be held accountable for meeting measurable student achievement results as established by the state board of education, the University of Tennessee system, and the Tennessee board of regents;

(8) Encourage the use of different and innovative teaching methods;

(9) Establish joint institutional responsibility and accountability for support of students and their success;

(10) Effectively utilize existing funding sources for high school, college, university and career and technical programs and actively pursue new funding from other sources;

(11) Develop methods for early identification of potential participating students in the middle grades and through high school; and

(12) Reduce the percentage of students needing remedial courses upon their initial entry from high school into a postsecondary institution.

(c) Programs developed under this chapter that target students who are at risk of dropping out of high school before attaining a high school diploma shall:

(1) Provide these students with the opportunity to graduate from high school possessing the core academic skills needed for postsecondary education and high-skilled employment;

(2) Enable students to complete a technical or academic program in a field that is in high demand and has high wages;

(3) Set and achieve goals that significantly reduce dropout rates and raise high school and college retention, certification, and degree completion rates; and

(4) Enable students who complete these programs to pass employer exams, if applicable.

(d) Cooperative innovative high school programs that offer accelerated learning programs shall:

(1) Provide a flexible, customized program of instruction for students who would benefit from accelerated, higher level coursework or early graduation from high school;

(2) Enable students to obtain a high school diploma in less than four (4) years, to begin or complete an associate degree program, to master a certificate or diploma in a career or technical program, or to earn up to two (2) years of postsecondary credit; and

(3) Offer a college preparatory academic core and in-depth studies in a career or technical field that will lead to advanced programs or employment opportunities in engineering, health sciences, or teaching.

(e) Cooperative innovative high school programs may include, but shall not be limited to, the creation of a school within a school, a technical high school, or a high school or technical center located on the campus of a postsecondary institution.

(f) Students shall be eligible to attend these programs as early as the ninth grade.

§ 49-15-102. As used in this part, unless the context otherwise requires:

(1) "Consortium" means the consortium for cooperative innovative education created under § 49-15-103.

(2) "Dual credit program" means a program of high school courses in which a course qualifies through a curriculum alignment agreement for postsecondary credit towards a postsecondary diploma or certificate or an associate or baccalaureate degree; provided that the student applying for the postsecondary credit satisfies the requirements of the postsecondary institution for receipt of such credit; and

(3) "Dual enrollment program" means a program in which a secondary student is enrolled in a postsecondary course creditable

toward high school completion and a postsecondary diploma or certificate or an associate or baccalaureate degree.

§ 49-15-103. The state board of education, department of education, Tennessee higher education commission, board of trustees of the University of Tennessee and the board of regents shall create a consortium for cooperative innovative education to oversee cooperative innovative high school programs, to oversee articulation, alignment and curriculum development for such programs and to evaluate the success of students in the programs approved under this chapter. The consortium may establish and appoint committees and subcommittees to perform its tasks with respect to approving, implementing, overseeing and evaluating cooperative innovative high school programs or to otherwise assist the consortium as it deems necessary. The executive director of the state board of education shall convene the first meeting of the consortium.

§49-15-104.

(a) Beginning in the 2007-2008 school year and continuing in each school year thereafter, two (2) or more LEAs in cooperation with one (1) or more public postsecondary institutions may jointly apply to establish a cooperative innovative high school program under this chapter. The consortium shall develop a plan for the rollout of new cooperative innovative programs in a staggered manner and as quickly as possible so that by the 2009-2010 programs shall be available throughout the state. The department of education upon request shall provide guidance and assistance in developing a plan for implementation of such programs and in implementing and operating such programs.

(b) The application shall contain at least the following information:

(1) A description of a program that implements the purposes of § 49-15-101;

(2) A statement of how the program relates to the economic development of the region in which the program is to be located;

(3) An explanation of how a viable and workable linkage between the institutions that includes academic and technical opportunities for students will be established;

(4) The facilities to be used by the program and the manner in which administrative services of the program are to be provided;

(5) A description of student academic and vocational achievement goals and the method of demonstrating that students have attained the skills and knowledge specified for those goals;

(6) A description of how the program will be operated, including budgeting, curriculum, transportation, and operating procedures;

(7) The process to be followed by the program to ensure parental involvement;

(8) The process by which students will be selected for and admitted to the program;

(9) A description of the funds that will be used and a proposed budget for the program;

(10) The qualifications required for individuals employed in the program;

(11) The number of students to be served; and

(12) A description of how the program's effectiveness in meeting the purposes of § 49-15-101 shall be measured.

(c) The application shall be submitted to the consortium, which shall review and evaluate the application and make recommendations concerning the proposed cooperative innovative program to the state board of education and the governing board of the applicant postsecondary institutions.

(d) The state board of education and the governing board of the applicant postsecondary institution shall have final approval of the application. No application shall be approved unless the state board of education and the governing board of the applicant public postsecondary institution find that the application meets the requirements set forth in this chapter and that granting the application shall achieve the purposes of § 49-15-101. In order to ensure that programs established are appropriate to the students and communities that they serve, all applications that are approved shall specifically demonstrate a viable and workable linkage between the institutions that includes academic and technical opportunities for students. Priority shall be given to applications that are most likely to further state education policies, to address the economic development needs of the regions in which they are located, and to strengthen the educational programs offered in the LEAs in which they are located.

§ 49-15-105.

(a) Any or all of the following education partners may participate in the development of a cooperative innovative program under this chapter that is targeted to high school students who would benefit from accelerated academic instruction:

(1) A public postsecondary institution other than the applicant public postsecondary institution;

(2) A private college or university located in Tennessee;

(3) A private business or organization; or

(4) The county legislative body in the county in which the program is located.

(b) The education partners listed in subsection (a) that participate shall:

(1) Jointly apply with the LEA and the applicant public postsecondary institution to establish a cooperative innovative program under this chapter;

(2) Be identified in the application; and

(3) Sign the written agreement under § 49-15-104(b).

§ 49-15-106.

(a) A program approved under this chapter shall provide for the award of dual credit for a high school course; provided that the student successfully completes the high school requirements for the course and the student meets all postsecondary standards for validation of the credit. A program may provide opportunities for dual enrollment.

(b) A program approved under this chapter shall be accountable to the state board of education and the governing board of the postsecondary institution and shall conform to the regulations and guidelines of any relevant accrediting bodies.

(c) A program approved under this chapter shall operate under the terms of a written agreement signed by the LEA and the applicant public postsecondary institution. The agreement shall incorporate the information provided in the application, as modified during the approval process, and any terms and conditions imposed on the program by the state board of education and the governing board of the applicant public postsecondary institution. The agreement may be for a term of no longer than five (5) school years.

(d) A program may be operated in a facility owned or leased by the LEA, the applicant public postsecondary institution, or an education partner, if any.

(e) A program approved under this chapter shall comply with laws and policies of the respective campus on which the program resides relating to the education of students with disabilities and shall comply with

all statutes, regulations, policies and guidelines regarding student discipline.

(f) A program approved under this chapter may use state, federal, and local funds allocated or appropriated to the LEA and to the applicant public postsecondary institution or its governing board to implement the program. If there is an education partner and if it is a public body, the program may use state, federal, and local funds allocated or appropriated to that body. Use of funds shall be subject to any limitations or restrictions placed on such funds by federal or state law or local ordinance.

(g) Except as provided in this chapter and under the terms of the agreement, a program may apply to the state board of education or the governing board of the applicant public postsecondary institution for a waiver of any law or rule that inhibits or hinders the program's ability to meet its goals. Neither the state board of education nor the governing board of the applicant public postsecondary institution shall waive regulatory or statutory requirements related to:

- (1) Federal and state civil rights;
- (2) Federal, state, and local health and safety;
- (3) Federal and state public records;
- (4) Immunizations;
- (5) Possession of weapons on school grounds;
- (6) Background checks and fingerprinting of personnel;
- (7) Federal and state special education services;
- (8) Student due process;
- (9) Parental rights;
- (10) Federal and state student assessment and accountability; and
- (11) Open meetings.

(h) The LEA and the participating postsecondary institution shall determine for each course the length of time of instruction. Depending on the course and the institution that offers it, the length of time of instruction shall be that required for public schools or that required for the attainment of postsecondary learning outcomes.

(a) The local board of education shall allocate one hundred percent (100%) of state and local education funds to a program approved under this chapter on the per pupil expenditure of the LEA. The per pupil expenditure shall be based on the prior year average daily membership (ADM) of the LEA, unless the LEA receives an increased allocation under § 49-3-351(d), in which case the per pupil expenditure shall take into consideration the increase in the LEA's funding. All funds shall be spent according to the budget submitted in the program agreement, or as otherwise revised by the LEA or applicant public postsecondary institution, subject to the requirements of state and federal law.

(b) The applicant public postsecondary institution and its governing board may allocate state and federal funds for a program that is approved under this chapter.

(c) An education partner under § 49-15-103(a) that is a public body may allocate state, federal, and local funds for a program that is approved under this chapter.

(d) If not an education partner under § 49-15-103(a), the governing body of a county in a county where a program is located may nevertheless appropriate funds to a program approved under this chapter.

(e) The LEA and the cooperating public postsecondary institution are strongly encouraged to seek funds from sources other than state, federal, and local appropriations.

(f) If a program is funded through local, state or federal funds appropriated to an LEA, then no fee shall be charged by the LEA or a public postsecondary institution to any student participating in such program.

§ 49-15-108.

(a) Success of a program shall be measured by high school retention rates, high school completion rates, high school dropout rates, certification and associate and baccalaureate degree completion, admission to four-year institutions, postgraduation employment in career or study-related fields, employer satisfaction of employees who participated in and graduated from the programs, and other measures as the consortium finds appropriate. The consortium shall evaluate programs for success, shall establish best practices and lessons learned from successful programs and shall provide assistance to LEAs and postsecondary institutions seeking to implement a program by replicating or adapting a successful program designed elsewhere or through creation of a new program.

(b) The consortium shall report to the education committees of the senate and the house of representatives annually by February 15. The report shall include a description of each program and an evaluation of its success, if such evaluation can be made at the time of the report.

The progress of the plan for state-wide implementation of cooperative innovative high school programs and the plan's subsequent implementation shall be included in the report that is due by February 15, 2009.

§ 49-15-109.

(a) To facilitate the creation of cooperative innovative high school programs and to provide a seamless transition process from secondary to postsecondary education, the consortium shall oversee the development of a high school to community college and technology center articulation agreement that will build on the existing technical preparation pathway and that will govern the articulation of courses between the public high schools of this state and the community colleges and technology centers. The consortium may undertake curriculum alignment and articulation itself or by appointment of a curriculum alignment committee or committees. If a committee is appointed, it shall be composed of experienced secondary and postsecondary educators and curriculum specialists. In aligning curriculum, not only shall course descriptions and contents be examined to determine if the requirements of a high school course or courses significantly match the requirements of a postsecondary course or courses, but also any applicable industry regulations and licensing requirements shall be considered. Validation requirements for postsecondary credit through a dual credit course shall be determined by the postsecondary institutions and their respective governing boards. Students participating in cooperative innovative programs shall be made aware of the validation requirements for receiving postsecondary credit for a dual credit course prior to enrolling in the course.

(b) The state board of education, the department of education, the Tennessee higher education commission, the Tennessee board of regents system and the University of Tennessee system shall assist in the curriculum alignment process and particularly with expansion of articulation agreements to public universities, as appropriate.

(c) The high school to community college and technology center articulation agreement shall be completed as expeditiously as possible, but no later than 2009-2010 school year. An LEA and a public postsecondary institution may establish a cooperative innovative high school program offering dual credit courses before completion of the state-wide articulation agreement through an agreement between the LEA and the postsecondary institution that is approved by the state board of education and the governing board of the public postsecondary institution. The consortium shall annually evaluate the articulation agreement and report as to the state of its development or subsequent revisions to the education committees of the senate and house of representatives in the report due by February 15.

(d) The department of education, the University of Tennessee system and the Tennessee board of regents shall monitor the number of articulated students, their progression rate in courses included in the

agreement, and their progress toward graduation, employment or transfer to postsecondary institutions and timely report such data to the consortium each year for inclusion in the report to the education committees of the senate and the house of representatives due by February 15.

(e) Assistance from private postsecondary institutions may be requested and such institutions are encouraged to provide voluntary assistance, when requested, in order that the articulation agreement may also align courses between the public high schools and such institutions whenever possible. Each private postsecondary institution located in this state is encouraged to assess the articulation agreement produced by the consortium and determine which courses, if any, qualify for award of college credit at such institution. If a private institution determines that a course qualifies for award of college credit at such institution, the institution, in addition to any institutional publication made of this fact, may notify the department of education of the potential for award of college credit for such course at the institution in order that the department may disseminate the information to LEAs for notification of high school students.

§ 49-15-110. Members of the consortium and any committees created by the consortium shall not receive compensation for serving on the consortium or its committees, but shall be reimbursed for attendance at meetings in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter. All appropriate state agencies, the Tennessee board of regents and the University of Tennessee system shall provide assistance to the consortium and its committees.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 4, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 19th day of June 2007



PHIL BREDESEN, GOVERNOR